

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Augustin B.,

File No. 19-cv-00296-ECT-BRT

Petitioner,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Kevin McAleenan,¹ William P. Barr,²
Peter Berg, and Joel Brott,

Respondents.

The Court has received the August 13, 2019 Report and Recommendation of United States Magistrate Judge Becky R. Thorson. ECF No. 49. No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 49] is **ACCEPTED**;
2. The Petition for Writ of Habeas Corpus [ECF No. 1] is **DENIED** as moot;

and

¹ Acting Secretary of Homeland Security Kevin McAleenan is substituted for former Secretary of Homeland Security Kirstjen Nielsen because a “[public] officer’s successor is automatically substituted as a party” and “[l]ater proceedings should be in the substituted party’s name.” Fed. R. Civ. P. 25(d).

² Attorney General William P. Barr is substituted for former acting Attorney General Matthew Whitaker. *See id.*

3. The action is **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 11, 2019

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court